

**From:** [LERS, EOIR \(EOIR\)](#)  
**To:** [LERS, EOIR \(EOIR\)](#); [All of Judges \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Allen, Patricia M. \(EOIR\)](#); [Baptista, Christina \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [BIA TEAM JLC](#); [BIA TEAM P \(EOIR\)](#); [Brazill, Caitlin \(EOIR\)](#); [Burgie, Brea \(EOIR\)](#); [Burgus, Elizabeth \(EOIR\)](#); [Cicchini, Daniel \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Curry, Michelle \(EOIR\)](#); [Evans, Brianna \(EOIR\)](#); [Grodin, Edward \(EOIR\)](#); [Hartman, Alexander \(EOIR\)](#); [Kaplan, Matthew \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Lang, Steven \(EOIR\)](#); [Lovejoy, Erin \(EOIR\)](#); [Martinez, Casey L. \(EOIR\)](#); [Noferi, Mark \(EOIR\)](#); [Park, Jeannie \(EOIR\)](#); [Powell, Karen B. \(EOIR\)](#); [Ramirez, Sergio \(EOIR\)](#); [Rimmer, Phillip \(EOIR\)](#); [Robbins, Laura \(EOIR\)](#); [Rodrigues, Paul A. \(EOIR\)](#); [Rodriguez, Bernardo \(EOIR\)](#); [Rothwarf, Marta \(EOIR\)](#); [Sanders, John W. \(EOIR\)](#); [Schaaf, Joseph R. \(EOIR\)](#); [Stutman, Robin M. \(EOIR\)](#); [Swanwick, Daniel \(EOIR\)](#); [Taufa, Elizabeth \(EOIR\)](#); [Vayo, Elizabeth \(EOIR\)](#); [Wilson, Amelia \(EOIR\)](#)  
**Cc:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#); [Moutinho, Deborah \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#); [Morgan, Kenosha \(EOIR\)](#); [Macri, Andrea \(EOIR\)](#); [EOIR Library \(EOIR\)](#)  
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| Policy & Case Law Bulletin  
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### Federal Agencies

#### DOJ

- [BIA Issues Decision in Matter of A-C-M-](#) — EOIR

27 I&N Dec. 303 (BIA 2018)

(1) An alien provides “material support” to a terrorist organization if the act has a logical and reasonably foreseeable tendency to promote, sustain, or maintain the organization, even if only to a de minimis degree. (2) The respondent afforded material support to the guerillas in El Salvador in 1990 because the forced labor she provided in the form of cooking, cleaning, and washing their clothes aided them in continuing their mission of armed and violent opposition to the Salvadoran Government.

- [Virtual Law Library Weekly Update](#) — EOIR

This update includes resources recently added to EOIR’s internal or external Virtual Law Library, such as Federal Register Notices, country conditions information, and links to recently-updated immigration law publications.

### Supreme Court

#### OPINION

- [Azar v. Garza](#)

No. 17-654, 2018 WL 2465222 (U.S. June 4, 2018) (per curiam)

The Court determined that litigation over Jane Doe’s temporary restraining order allowing her to obtain an abortion despite the policy of the Office of Refugee Resettlement “falls squarely within established practice” to reverse or vacate the judgment below and remand with a direction to dismiss when a civil case from a court in the federal system has become moot while on its way to the Supreme Court. The Court therefore vacated the en banc order of the Court of Appeals for the District of Columbia Circuit and remanded the

case with instructions to direct the District Court to dismiss the relevant individual claim for injunctive relief as moot.

CERT. DENIED

- [R-S-C v. Sessions](#)

No. 17-7912, 2018 U.S. LEXIS 3472 (June 4, 2018)

No questions presented are available at this time.

### First Circuit

- [Morris v. Sessions](#)

No. 17-1518, 2018 WL 2426363 (1st Cir. May 30, 2018) (CAT)

The First Circuit denied the PFR, upholding the Board's conclusion that Morris did not establish eligibility for deferral of removal from Jamaica. Morris did not show it was more likely than not that the harm he allegedly would suffer at the hands of the leader of a drug trafficking organization would be at the instigation of or with the acquiescence of a public official or other person acting in an official capacity (such as the Jamaican police).

### Third Circuit

- [Shire v. Attorney Gen. of the United States](#)

No. 18-1116, 2018 WL 2446656 (3d Cir. May 31, 2018) (unpublished) (Asylum-Nexus; Motion)

The Third Circuit granted the Government's motion to remand for the Board to reconsider whether the evidence establishes a nexus between the harm Shire endured and his membership in the Yibir Tribe in Somalia, a minority tribe regarded as practitioners of evil witchcraft. The court also stated that the Board may wish to reconsider its decision denying Shire's motion to reopen, noting the difficulties a detained pro se litigant might have had in obtaining evidence "from his family in a refugee camp in the chaos of Somalia."

### Ninth Circuit

- [Aleman Gonzales, et al. v. Sessions](#)

No. 18-cv-01869-JSC, 2018 WL 2688569 (N.D. Cal. June 5, 2018) (unpublished) (Bond)

The district court certified the class and granted the preliminary injunction, enjoining the government from detaining class members for more than 180 days without affording them a bond hearing before an IJ. The class is defined as "all individuals who are detained pursuant to 8 U.S.C. § 1231(a)(6) in the Ninth Circuit . . . who have reached or will reach six months in detention, and have been or will be denied a prolonged detention bond hearing before an Immigration Judge."

- [Jie Shi Liu v. Sessions](#)

No. 12-74077, 2018 WL 2450401 (9th Cir. June 1, 2018) (Corroboration)

The Ninth Circuit denied the PFR, holding that substantial evidence supported the Board's determination that Liu's testimony was insufficient, by itself, to demonstrate eligibility for asylum, and Liu was put on notice that corroborating evidence was necessary.

- [Pena-Rojas v. Sessions](#)

No. 17-70274, 2018 WL 2425429 (9th Cir. May 30, 2018) (unpublished) (Aggravated Felony)

The Ninth Circuit denied the PFR, affirming the Board's determination that Pena's conviction under California Penal Code § 211 (robbery) is categorically an aggravated felony theft offense under 8 U.S.C. § 1101(a)(43)(G).

- [Zakaryan v. Sessions](#)

No. 15-72439, 2018 WL 2425389 (9th Cir. May 30, 2018) (unpublished) (Corroboration)

The Ninth Circuit granted the PFR and remanded the case, holding that the IJ did not give sufficient notice to Zakaryan under *Ren v. Holder*, 648 F.3d 1079 (9th Cir. 2011), that she needed to provide corroborating evidence by way of her son's testimony.